

**Summary Minutes  
City of Sedona  
Planning & Zoning Commission Meeting  
Vultee Conference Room, 102 Roadrunner Drive, Sedona, AZ  
Tuesday, May 20, 2014 - 5:30 p.m.**

**1. VERIFICATION OF NOTICE**

Vice Chair Hadley verified the meeting had been properly noticed.

**2. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

The Vice Chair called the meeting to order at 5:30 p.m.

**Roll Call:**

**Planning & Zoning Commissioners Present:** Vice Chair Michael Hadley and Commissioners Eric Brandt, John Currivan, Scott Jablow, Kathy Levin and Norm Taylor. Chair Marty Losoff was excused.

**Staff Present:** Andy Dickey, Audree Juhlin, Cari Meyer, David Peck, Donna Puckett, Mike Raber and Ron Ramsey

**Council Liaison:** Councilor Mike Ward

**3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF**

There were no announcements.

**4. DISCUSSION REGARDING PROJECT UPDATE SUMMARY**

Cari Meyer pointed out that there are a couple of new applications. There is a Conceptual Review for Sedona Marriott Courtyard and a CUP renewal request for Arizona Safari Jeep Tours in Uptown.

Vice Chair Hadley noted that Thai Spices is listed as under construction, but he hasn't seen much. Cari explained that they have an active building permit and there has been some utility construction, but she will check with the Building Inspector.

**5. DISCUSSION & UPDATE REGARDING COMMUNITY PLAN IMPLEMENTATION ACTIVITIES**

Mike Raber indicated that they are moving forward with two Community Focus Areas (CFAs) -- the Soldier Pass Road area and the Cultural Park area. Two working groups have been formed and the public outreach approaches will be firmed up. Vice Chair Hadley asked if that includes the mountain bike course in Posse Grounds and Mike indicated no.

Commissioner Jablow asked if the focus group is through Citizens Engagement and Mike explained the working group was assembled through the Citizens Engagement Coordinator with the City Manager's Office and staff. Their role will be to broaden the citizens' input side of it, provide feedback throughout the process and assist with the public participation outreach. Property owners and stakeholders will also be included in the outreach.

**6. PUBLIC FORUM: For items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public.**

*The Vice Chair opened the public forum and having no requests to speak, closed the public forum.*

**7. CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES:**

- a. Discussion/possible action regarding proposed amendments to Article 18 of the City of Sedona Land Development Code (City of Sedona Public Art Ordinance) Staff: Mike Raber, Senior Planner (30 minutes; 5:45 pm–6:15 pm)**

Mike Raber explained that since the Arts & Culture Commission and the Art in Public Places Committee were dissolved, the Land Development Code needs to be updated to reflect the new review and approval process, which is through the Director of Community & Economic Development and the Arts & Culture Coordinator. They can consult with other staff, artists or a special Citizens Engagement group. The proposed amendments were attached to the Staff Report, and that is the City's Public Art Ordinance. No comments were received from the public and the Commission's recommendation will be forwarded to the City Council.

Mike indicated that Commissioner Levin brought up some inconsistent proposed language between Sections 1802.D and 1803.E, so a revised version was distributed. In 1802.D, it specified the formation of a Citizens Engagement Public Arts working group, and in 1803.E, it just said volunteer advisory group, so 1803.E now matches the language in 1802.D. Therefore, in the Commission's motion reference should be made to the revised version.

**Commission's Questions, Comments and Concerns:**

- Comment that in 1802.D and other places, "Certified by the Director of Community & Economic Development in coordination with the Arts & Culture Coordinator" is not clear.
- Question as to the intent of that wording. Audree Juhlin explained that the intent is that the Director would have the ultimate say, but working in collaboration with the Arts & Culture Coordinator to ensure that the piece meets that art component in our community. The language can be clarified.
- Suggestion to say the Director, after consultation with the Arts & Culture Coordinator, . . ."
- Suggestion to just change the word "coordination" to "consultation". Audree then confirmed that it would be revised to say, "The Director of Community & Economic Development, after consultation with the Arts & Culture Coordinator, . . ." and indicated that staff will do a word search to change the language throughout the document.
- Question regarding the definition of "major projects". Audree explained it is at the discretion of the Director of Community & Economic Development and that can be stated.
- Suggestion to add, "For major projects (as determined by the Director in his discretion)" or something like that.
- Question as to if a reason must be stated if plan is disapproved. Audree Juhlin indicated that they will always state a reason, which is consistent with the Land Development Code. It is the intent of the code itself and applied throughout the Code.
- Comment that on page 3 in paragraph E, the wording "at their discretion" brings up the same issue, and it really should be at the Director's discretion, after consultation with the Arts & Culture Coordinator, . . ." Audree indicated that can be reworded.

*Vice Chair Hadley opened the public comment period and having no requests to speak, closed the public comment period.*

**Summary Discussion:**

All Commissioners present concurred with the suggested changes. Mike Raber indicated that the suggested changes are clear to staff, but in the motion, the revised version as amended by Commissioner Currivan should be referenced.

***MOTION: Commissioner Levin moved to recommend to the Council the approval of the revised amendment, by staff and Commissioner Currivan, to Article 18 of the Land Development Code as provided in the Staff Report. Commissioner Taylor seconded the***

*motion. VOTE: Motion carried six (6) for and zero (0) opposed. (Chair Losoff was excused.)*

**8. INTRODUCTION/DISCUSSION OF THE FOLLOWING REQUEST(S):**

- a. Discussion regarding a request for Preliminary Plat Map approval for Sky Ridge Subdivision, a 19 unit subdivision at 215 Brewer Road and accessed at the end of Mormon Hill Road. A general description of the area affected includes but is not necessarily limited to the area west of Brewer Road, south of Mormon Hill Road, and east of the Rolling Hills Estates and Les Springs Subdivisions. The proposed subdivision is currently zoned RS-18b, is approximately 12.41 acres and is further identified as Assessor's Parcel Number 401-38-013C. Applicant: SEDTEX, LLC. Case Number: PZ13-00015 (SUB). Staff: Cari Meyer, Associate Planner (45 minutes, 6:15 pm–7:00 pm)

Vice Chair Hadley explained that the Commission will take no action on this item.

**Staff's Presentation:**

Cari Meyer provided an overview of the process and explained that we are currently in Stage 3, which is the review of the Preliminary Plat by the Commission and the City Council. This work session is to review the materials and if there are any revisions, a revised Preliminary Plat could go to the City Council for review of the Final Plat. In this review, Commissioners are allowed to ask questions and identify items that need to be addressed or additional information that needs to be provided.

Cari showed a Vicinity Map and Aerial Map showing the vacant parcel to be subdivided that was originally owned by the United States Forest Service and sold to ILX - Bruno in 2005. A Community Plan Amendment was approved in 2006, but the related zoning was never completed, so the currently zoning is RS18B, which is single-family and a small portion is zoned (CF) Community Facilities.

Cari explained that the property owner is proposing to subdivide under the existing zoning classifications and requesting Preliminary Plat Map approval from the Commission. Cari then described the proposed subdivision of 19 units and indicated that the applicant is not proposing any development of the property zoned CF at this time and is planning to develop the infrastructure, and then sell the home sites as vacant lots.

Cari pointed out the location of the proposed road and indicated that a significant amount of additional information has been submitted, including a Drainage Report, Traffic Impact Analysis, Geotechnical Evaluation, roadway plans, and a building area and density exhibit, which wasn't required, but submitted in response to some earlier comments. They also have showed possible building sites for each lot. They are not doing building envelopes, but would have a Homeowners' Association that would manage building and disturbance areas.

Cari indicated that the Letter of Intent was expanded to include a proposed height limitation on some of the ridgeline lots to address visibility concerns. Additionally, they added a section to address some of the concerns raised during the Conceptual Plat stage, and they also talked about the proposed Homeowners' Association. This area is designated as a Planned Area in the Community Plan; however, since no rezoning is proposed, they must comply with RS18B zoning requirements.

Cari explained that future development scenarios were done to be used as resources for future rezonings, but they were not meant to be applied as requirements if the property were developed under the current zoning. The Community Plan does encourage sensitivity to the ridgeline, preservation of vegetation and potential pedestrian connectivity. The design of this subdivision does address the open space and ridgeline issues; however, the property owner would be encouraged to provide pedestrian connections, if agreements can be reached with

neighboring property owners. The only place this property abuts public right-of-way is at the end of Mormon Hill Road and along Brewer Road.

Cari reviewed the requirements in the relevant sections of the Land Development Code and indicated that the applicant has not requested any exceptions. Cari added that reviewing agency comments were provided to the Commission and they were minor or applied to future stages of development.

Cari discussed public notices that were issued and indicated that no citizen participation process was required; however, during this Preliminary Plat stage, the applicant completed the Citizen Participation Plan and the report was provided to the Commission. Staff also received some additional public comments that were provided after the packets were distributed.

Cari indicated that one question was in regard to a requirement for a Conservation Tract in this subdivision. Cari identified the location of the Conservation Tract required of an adjoining subdivision and explained that research has indicated that the Conservation Tract was done to protect that wash. At that time, the City did not have designated local flood areas; however, the City has adopted local floodplains and building regulations in those areas since then, so that purpose is now accomplished through drainage easements and building restrictions and those will protect the wash in the same way that the Conservation Tract did in 1990.

**Applicant's Presentation:**

**Art Beckwith, Civil Engineer with Shephard-Wesnitzer, and applicant, Terry Klebe, representing SEDTEX LLC,** joined the discussion at this time.

Art Beckwith indicated that they included numerous exhibits to address some of the Commission's earlier concerns as to what the homes, density and elevations would look like, and that was done to scale with software that can drape the landscape over the topography. Cari covered the information well, but he would appreciate the Commission's comments.

Terry Klebe added that their view as property owners is that they have gone well beyond any reasonable standard to address concerns raised on this project, at considerable time and expense, which can be seen in the presentation. There clearly will be some citizens here tonight that believe they have a right to demand a taking of private property for their convenience and use and demand restrictions of building sites and structures that go well beyond the City's Code. They have not addressed that and he doesn't think it is right. It is private property that is zoned residential RS18B, which is exactly what they are doing.

Vice Chair Hadley asked engineering staff if there were any comments regarding the reports submitted and Andy Dickey indicated that comments have been provided to the applicant. Most of the comments are minor and there is nothing big that should stop the development. The applicant is addressing those comments, and he thinks they will continue to do so.

**Commission's Questions, Comments and Concerns:**

- Question regarding the location and possible preservation of the old water tank, if the City is interested in seeing the water flow as it had in the past on what is now city-owned property. Art Beckwith indicated that it has been disengaged for some time and the pipes are just hanging there. Their proposal is for it to be abandoned and removed.
- Question as to if it is functional at this point, and Art Beckwith indicated that he hasn't looked at it, because their intent is to remove it.
- Comment that the pipe is just hanging out in space.
- Comments regarding an inconsistency in the labeling of Tract A and Tract B on a couple of the documents. Art Beckwith explained that Tract B is the Open Space and Tract A is the roadway, but actually the open space is going to be Tract A, because the road will be dedicated to the City and in that case it will be right-of-way.

- Question as to if the Commission can expect see the responses to all of Engineering's comments dated April 25<sup>th</sup>, at the next level of review. Cari Meyer indicated that most comments were relevant to the Final Plat, but Andy Dickey added that some comments were related to finalizing those particular documents, and when staff gets the final version, those comments are to be addressed. Some comments were intended for later, but there were some that staff wants addressed now.
- Question as to if those related to the Traffic Impact Analysis data sets would come later, and Andy Dickey indicated that is correct.
- Request for Cari to explain Mike Raber's suggestion. Cari explained that if there was an opportunity for the applicant to work with the school district on a dedicated easement for pedestrians through the school district's property, it would have to start in the applicant's open space.
- Question as to if that would be for the residents of the proposed subdivision, and Cari indicated that is correct. There would have to be an agreement between the applicant and the school district.
- Comment about thinking it referenced some agreement between different subdivisions, since there is a way to get from the school to the proposed subdivision on public streets.
- Question regarding the contours of the proposed road at the top of the street at the cul-de-sac with the elevation of the water tank about 10 ft. higher, with no retaining walls. Art Beckwith explained that they did drop the cul-de-sac to minimize the view impacts and reduced the height of the buildings to a maximum of 18 ft. higher than the road elevation. In essence, they are dropping everything down and residences constructed would be taking down that portion to bring the buildings down into the ground a little bit.
- Question about what is between the road is at 28 and the tank is at 37. Art Beckwith explained that there is a spot elevation there, but they are tying into the 28 contour and the 30 contour comes around, and the intent is to grade through that. They weren't planning to keep the tank, so they can do some grading in the right-of-way and possibly on the lot to bring that back down. These are preliminary grading plans, but they can either put a retaining wall, which he doesn't believe is needed given the Soils Report . . . David Peck interjected that the Soils Report gives guidance on what kind of slopes they can have, depending on whether it is rock or soil, etc.
- Question as to if the retaining wall on Lot 19 is about 18 ft. tall. Art Beckwith indicated it is less than that, probably about 14 ft. tall in two steps.
- Question about the surface of that retaining wall. Art Beckwith indicated they haven't decided yet, but he would propose a colored split-face block.
- Comment that the lowest point of the grade is at 66 and the road adjoining is about 82 or 84, which comes out to about 18 ft. Art Beckwith indicated that he will look at it again.
- Comment expressing appreciation for the pictures.
- Request for clarification regarding the commitment to a lower height limit of 18 ft. above the street level versus 18 ft. above the highest point of the building envelope. Art Beckwith indicated that they are close to the road grade with the building envelope grade, but he can look at that to give a definite answer. We are approximately at elevation 29 and 30 at the back of the curve, so on the envelope, it depends on where you choose to take that grade. Lot 16 is where it crosses and it is about 26 at the lowest point.
- Question as to if staff's recommendation remains the same. Cari Meyer indicated yes.
- Question as to if it would lead to a different result than what the applicant is proposing. Cari indicated that it may, staff will have to look at it more if that is something the Commission supports as well.
- Comment that it is something that would be of interest. Art explained that they tried to do that with their exhibits by setting the finished floor elevation down to the same level as the street, and then come up 18 ft. Those renderings are basically to scale and the only one that would be different would be Lot 17, which is about 26 and the point is at about 20, so it continues to go down further across there, and that would be an impossibility to get vehicles into a garage at that point, but they are cutting it down substantially.
- Comment that the concern is to minimize visual impacts on the ridgeline

- Question about what changes have been made to the plan to deal with that concern. Art explained that they pulled the cul-de-sac back to the west and reduced the elevation of the centerline of the cul-de-sac, and they voluntarily added that 18 ft. limitation.
- Question as to the difference with respect to the various lots on the ridgeline between 18 ft. above the street level and 18 ft. above the highest part of the building envelope. Audree indicated that it does make a difference, and Cari explained that currently there is a 22 ft. height limitation; however, they have committed to go to 18 ft., which reduces the ability to have a two-story home in that area, unless they dig deeper into the hill, but we can see what the difference is. Audree indicated that staff can provide a demonstration of what that difference would look like.
- Comment that it looks like about 2 ft.
- Comment about not having building pads on or near the crest of ridgelines, and it appears that the road will be below the ridgeline, and Lots 13 and 14 will be above the road, so that is a place where there could be a difference between where the building envelope is and where the street is. Cari explained that the hillside subdivision talks about placing the road on the ridgeline, which would force the houses off of the ridgeline, and the applicant has done their best to place the road on the ridgeline as much as is feasible, so there could be one or two houses approaching the ridgeline, because it does not follow the property lines.
- Comment that after you leave the circle, the road leaves the ridgeline right away and goes down the side of the hill. That is the only way you could get down and have a grade under 15 percent. Art confirmed that is correct and the ridgeline runs onto property to the south, which is about the same elevation in that area, and they also have an opportunity to build.
- Comment that those lots appear to be significantly above the road level.
- Question as to if page 2 of Mike Raber's memo is true, where it says that this proposal keeps the buildings below the top of the ridge. Cari repeated that it means with the road as close as possible to the ridgeline, it would keep the houses off of it. There might be some places where that is not totally feasible, because of the ridgeline versus the property lines.
- Comment repeating the question regarding Lots 13 and 14. Commissioner Taylor explained that the big plan shows the location of the old road, and you can see that the new road starts down the slope. The question about Lots 13 and 14 was again repeated, and Art Beckwith pointed out that the lots Mike Raber was referring to were Lots 15, 16 and 17; they were not proposing that on Lots 13 and 14. Audree Juhlin agreed and indicated that Mike Raber did point that out.
- Question regarding whether or not the City Engineer has signed off on having only one vehicular access into the subdivision. David Peck indicated that there is a comment on that. They have been asked to discuss an alternative route to the project other than Mormon Hill Road and to discuss why it would not work to come up (audio unclear). Audree Juhlin explained that once that information is provided, the City Engineer can make that statement.
- Question regarding the Traffic Study and engineering comment #7 that talks about the use of an 18 ft. wide road and the comment says that the Traffic Study would have to address that. Then in comment #4, it says that Mormon Hill Road doesn't meet the minimum width standards for access to the subdivision, but we probably aren't looking at widening that road, so how is that addressed. Andy Dickey explained that they need to look at those issues in the TIA, and he expects that they will provide a full assessment of any issues. David Peck pointed out that is the comment referenced earlier that addresses that, if you read the last part of #4.
- Comment regarding #5 that points out when the TIA addresses the number of trips generated, it is comparing the trips to the traffic on 89A or 179, and that isn't the right comparison, it should be the current traffic on Mormon Hill Road or Brewer Road.
- Question as to if a further Traffic Study is planned or just more analysis of the existing study. Art indicated that it is more analysis of the existing study; they will address the comments. It hasn't been done yet, because it was not a requirement of this submittal, but they can address every comment.

- Question as to if everyone agrees with a statement that there are no rights-of-way in the Letter of Intent across this property other than utility easements or if there have been any claims, because someone referenced a "Prior Use Easement". Audree Juhlin stated that there is a utility easement, but not a pedestrian access easement on the property, and from staff's perspective, we don't see any legal recorded easement for pedestrian access. Terry Klebe explained that as long as it was government land, there is no such thing as a restricted easement, and it takes 10 years of usage for someone to claim the agreement, so it starts after it is private property. The property was posted no trespassing, so anybody using that property for pedestrian access is not doing it legally.
- Question regarding a comment in the Traffic Impact Study regarding the intersection of Brewer Road and Mormon Hill Road that says it doesn't appear that there is an adequate intersection sight distance, but the required stopping sight distance is present. Andy Dickey explained that the consulting engineer has been asked to clarify the issues and that should be handled through the TIA, then we can determine what is needed. It could be trimming bushes or grading on the roadway embankment, etc.
- Question about the impact of the traffic. It appears that the anticipated traffic increase isn't substantial and it won't be a steady flow. Andy Dickey indicated that there are some points that need to be clarified, the Traffic Study in general is good, but some issues need to be ironed out with additional information. He doesn't perceive any major issue.
- Question as to why Mormon Hill isn't being widened to code. Andy Dickey explained that in discussions with the Legal Department, it would be a major undertaking to bring it up to current standards. It met the standard that existed when the road was built, and given that, we found that we couldn't require the developer to upgrade Mormon Hill Road.
- Question regarding the width of the new road. Andy Dickey indicated that it will meet our standard and they can look at a couple of options. One is if there is parking allowed, it has to meet a certain standard, and if there is no parking allowed, there is a different width requirement. Art Beckwith indicated that the code allows up to 15 lots to be on an 18 ft. wide section, and they do have less than the amount required. It also minimizes the disturbance on the land; they can certainly put in 22 ft. of pavement, but they don't feel that is necessary.
- Comment that a new road should meet the current code, because 10 years from now, things may change and it may become substandard then, unless the Engineer signs off on it. Andy Dickey explained that the stipulation had to do with whether or not parking is allowed; the width is per the requirement in the code. Vice Chair Hadley noted that the packet indicated that there would be no parking on that section.
- Comment of support for walkability between developments; however, Lots 1 and 2 are private property with no trespassing signs, so unless the property owner wants to work with the community, the City buying that land isn't a good thing, because it is only going to benefit one small development and not the whole community.
- Question about any plans to look at that. Terry Klebe indicated that he had discussions with Les Springs, who politely asked if we would consider it. Rolling Hills has demanded it, and the problem with Lots 1 and 2 is that with all of the utilities on it, there is only one place you can put homes on those lots and any trail would go right through their front yards. There is drainage at the lower level, and he would be willing to give the City 5 ft. of land or something. The other issue is legal liability and who is responsible when you have walkability across private property.
- Comment that there is also liability if someone falls in the street; however, Terry explained that the difference is that those would be residents of the HOA and covered by the HOA's insurance. Art Beckwith added that within the street would actually be city right-of-way and it would be the City's liability.
- Question as to if it will be a very restrictive HOA, so if something was worked out with the community now it could be incorporated into the HOA's rules.
- Comment that according to the letters the applicant didn't have meetings. Terry Klebe stated that he has had meetings with people who politely asked to have meetings, and there was discussion regarding consideration of a pathway. A decision has not been

reached, because of the liability issue and he sent a note to Cari. If something can be figured out for at least one subdivision, where the City assumes liability for the walkway, they will consider it, but if he is liable, it is not going to happen.

- Comment that on the neighbor's side of the gate it is their liability, so it would be good if there could be open communications. It doesn't seem that there has been a good give and take on either side; it has been demands and didn't sound all that friendly, so if the applicant could look at it a little harder at it, that would be good.
- Comment to encourage the applicant and staff to see if there is any way that even a small portion of the land could be dedicated to take the liability away from the applicant, if it became City property. The wash is going through and since the buildability of Lots 1 and 2 are on the south side and up the hill, all that land that goes down to the wash is essentially unusable in terms of a building site, so if there was a way to dedicate it and if the City was willing to assume responsibility, it is worth exploring.
- Comment expressing agreement, but to shut down communication because people can't agree is counterproductive.
- Comment that the applicant not wanting to accept liability is understandable. Art Beckwith indicated that they have made that request of the City, so it is in the City's hands to determine how that could be handled.
- Comment that it is unfortunate that Lots 1 and 2 aren't one site, because then you could do it properly. That is a steep gully and if Lots 1 and 2 are built, you can't take an easement through there or those people don't have a whole piece of land. They are going to say they are getting a piece of property that is 100 ft. x 100 ft., so there could be one lot there and squeeze the whole ladder with every lot losing 5 ft. or whatever it takes. That would be the only way to get a reasonable easement, because if it goes down in the gully much further, nobody would use it, because they would have to walk back up. You might go down somewhat to come back up to the Mormon Church parking lot.
- Comment as to how those two lots will be handled without being an eyesore; they look like a big road cut they're so steep.
- Comment about getting other software; those different perspectives weren't very helpful.
- Question about where in the process after approval the City commits to take the road and sidewalks. Andy Dickey explained that the City's inspectors would be there during construction and the City would not take the roads until it is complete and built to the City's satisfaction.
- Comment that the renderings were well done; it is quite impressive. It showed the scale and helps us see the scale and size of the homes on those properties.
- Question about seven retention basins within the property and if it would become a condition when each lot is developed that the homeowner has to do the retention basin. David Peck explained that those are drainage basins and two detention basins that would fit into the natural topography of some of those valleys. When they construct the roadway, the roadway will form the dam to retain the water, and then they will have a smaller orifice in the culvert that crosses the road to allow a small amount of water to go through.
- Comment that is the applicant's issue to deal with then.

*Vice Chair Hadley opened the public comment period at this time.*

**Cliff Hamilton, Sedona, AZ:** Indicated that it is clear that trails and walkability are important, and he is here to solve the problem. For the past two years, he and two other volunteers have been engaged in a project around the City to preserve and retain public access trails that are coming off of private land, typically onto Forest Service Land, but one or two have gone from one subdivision to another before reaching Forest Service land. This particular project is one where the City potentially will purchase easements, indemnify the owners and hold them harmless, and potentially engage in landscaping and screening to make the trails unobtrusive to the landowners involved. Fencing, signage, etc. are also possible aspects of the program. He is not committing the City to do any of those things, but he wants to make you aware that it exists. We have been doing it for two years and would be delighted to have the participants



from Les Springs, Rolling Hills and this development join with them through that program, to see if something can be worked out. It is unfortunate that others weren't aware of this program initially, but it exists and meets the needs and requirements of all parties involved, as long as we enter it in an atmosphere of good faith and move forward to find a reasonable solution.

**Elizabeth Herrell, Sedona, AZ:** Indicated that at the last meeting in the fall, the Committee said talk to Mr. Klebe and get these things worked out and they were willing to do so, but of course, he responded by bolting the fence the next day and putting up no trespassing signs, and let's not have any conversation. He said that he has tried to reach the Rolling Hills board, but they have not had any invitation. Their recourse is then to come to this Committee and have you help us create the climate that the Community Plan has to offer. You talked about every development, and they are a large development with only one exit, because the City took away their other exit when 89A was expanded. They only have one narrow hairpin turn that is not pedestrian-friendly and is dangerous, so until Mr. Klebe locked the gate at least Sedona residents and other communities from Brewer Road went back and forth. They were an open community and could walk back and forth to Tlaquepaque and Uptown. They have been locked out of a pedestrian second exit and they only have one. Their assessment is a Prior Use Easement has been in effect since Rolling Hills' inception, of course it did belong to the National Forest Service, and when it was purchased by ILX about 10 years ago, they honored that easement when they developed their plans for development, so they felt it would be in effect. They think the Prior Use Easement rule should remain in effect regarding this property development. Mr. Klebe is a businessman and she understands he wants to crowd each parcel to allow his maximum ROI. That is what business people do and she gets that, but his sense of community well-being and preservation of pathways is not in his financial interest, so there is no conversation. Therefore, they ask you, the Planning & Zoning Commission to support the current Community Plan guidelines and require the housing development to provide a pedestrian passage, and it is a very short passage; it is hardly worth notice and it's probably not much more than this table twice to connect their neighborhood, so they don't have to drive their cars every time they go uptown. Allow the Prior Use Easement to remain in effect for the safety and accessibility to the community and do not approve a fenced-in development that totally blocks all community foot traffic.

**Thomas Purcel, Sedona, AZ:** Indicated that he has been a member of Rolling Hills for 15 years and would like to dispel some misconceptions. He is also the President of the association. The only ones that speak for Rolling Hills are the board, and they speak through the President. They have never made any demands on anyone; there have been no projects and no developers that they have ever made a demand on ever, and he wants to make that perfectly clear. He has heard a reputation of Rolling Hills that they are not friendly to developers and that is entirely untrue. A week ago, with one of the current developers across the street from them, Mike Stevenson, and his Mariposa development, you can talk with him and his engineering contractor, etc. Mr. Stevenson reached out to them before he removed the first slump block from Real Estate Central, and they have had at least six meetings. It was a question and answer session as well as a meeting, and he provided his phone number so he could be reached at anytime. He came to their board meeting to address their residents. Some of the residents had a concern that at night the headlights might shine into Rolling Hills' houses, and he showed them that it wasn't going to be an issue, but his personal presence was there. He reached out and did it. We have had dozens of communications with him since. Four or five weeks ago, Cari was at Mariposa, and he was called, because Mr. Stevenson wanted to move his HVAC system from the roof to the ground and he thought it was important to have input from Rolling Hills before doing that -- time after time, and each step of the way. Rolling Hills didn't appear before this Commission with concerns about Mariposa and Mr. Stevenson's project. He took care of those concerns -- he, his engineer and his builder. They have had a completely different experience with Sky Ridge; they never reached out. He had one call from Mr. Klebe on October 16th, 2013 when he called around 3:00 p.m. the day after the P&Z meeting to notify him that a no trespassing sign was being posted, and he said he

would arrange a meeting in the future. He never did, and they never made any demands. There has been absolutely no outreach whatsoever.

**Jack Koepke, Sedona, AZ:** Indicated that he has a home in Rolling Hills and he also has an apartment in the City of Cologne, Germany. It is important for the residents in Sedona to ask themselves this one question, "Why do people want to live here?" Why do people want to come here? Why do people want to invest in Sedona? He can tell you the answer from his perspective, this is a fantastic location; it's got a great quality of life, pristine trails and paths, friendly neighbors, and the ability to interact without getting into a car every time you want to go some place. In Cologne, he doesn't have a car. He is a foot guy; the guy who rides the trains, buses and subways. Here, thank you to Mr. Purcel, when he got here in November of 2007, Mr. Purcel said that every Friday they go across the Mormon pathway and 89A to have a cup of coffee at the Wildflower Bread Company, and he was asked to go along. He has done that every time he could, and he has enjoyed the conversation with the neighbors. It has been one of the high points of his being here, but that came to a screeching halt when a padlock was put on the gate. He is a lawyer by training, and there is no such thing as hiding under the Federal Government to say that you cannot get an easement. Of course they cannot get an easement against the Federal Government, but does that mean that a subsequent owner then can take the protection of the Federal Government to deny an easement, which has existed for more than 10 years? This walking group has been walking this trail for more than 10 years; he has only been walking it for seven years. He would ask if they can block one end of this, Rolling Hills can block the other end as well. Rolling Hills can do the same. They've got water down there, gas down there, and they may have a fire down there someday; they may even have an emergency. Why would he want to block an historic traditional easement? They are not trespassers. This easement has been there for at least 10 years and his guess is that it has been there probably for 100 years or perhaps for 1,000. It is the natural way people get from one place to another. It is the natural thing you do when you walk across this path that is next to a ravine, which starts at the end of Rolling Hills and goes all the way past the Mormons. Why would you want to block that? Of course there is a reason; it is money, but people are interesting too.

**Robert Shuman, Sedona, AZ:** Indicated that he lives in Rolling Hills Estates and he concurs with Tom Purcel and the rest of the comments made. That easement has been there for a long time. From Rolling Hills, it is the only way he usually walks if he wants to go to Uptown or Tlaquepaque, etc., going through that private property. It has been there for a long time; it is very easy to fix. It is a very short section of property and you can put it next to the wash where you can't build anyway. His other concern is the traffic congestion over those double roundabouts at what we used to call the "Y". Late in the afternoon or on a holiday weekend, the traffic is backed up on 89A past the entrance and exit of Rolling Hills. He sees it, because his house overlooks that. With the only exit and entrance blocked, it is difficult to get in and out. Sometimes it takes as much as five to seven minutes to turn left, because there is so much traffic coming down Cook's Hill that you can't make a left turn there. You ought to consider the extra congestion that is going to take place with all of these extra homes. You need to get another exit or entrance from Rolling Hills, and you can figure something out.

**Sandy Macbeth, Sedona, AZ:** Indicated that she is a Rolling Hills resident and she has lived in Sedona for 15 years. She has enjoyed the luxury of walking from Rolling Hills to shopping and adjacent areas. She took the liberty to call 76 Rolling Hills' residents and all of them would like to see an access, pedestrian pathway, open. In lieu of short notice of this meeting, she didn't have time to have a legal petition signed; however, you can call any of these people. They are very interested. In a Planning & Zoning meeting on October 14, 2013, they expressed how important this pedestrian access was to them, and again in an open meeting at Shepherd-Wesnitzer on April 30, 2014. At that meeting Mrs. Klebe, the property owner, stated that we could have the hiking trail, if we bought the lots. She doesn't feel that is community-spirited. The day after the October 14th meeting, Mr. Klebe blocked the hiking trail with a locked gate and a no trespassing sign, even though it was suggested by the Commission that

Mr. Klebe meet with them to work out a compromise. No meeting was requested or scheduled; there was no communication after that day with the President of Rolling Hills. Residents of Rolling Hills have always welcomed walkers from other communities, such as Mormon Hill Road, the Palisades, Les Springs, etc., and they would welcome Sky Ridge residents as well. They don't have a no-trespassing feeling in their neighborhood and that isn't community-spirited. She doesn't feel that this development is consistent with the Community Plan, which promotes walkability and reduced traffic.

**Marsha Amon, Sedona, AZ:** Thanked Cari for bringing up the subject of Tract A; however, according to her history and facts, it had nothing to do with drainage as to why the City did not allow building on that land. It had to do with their assessment that the land was a sensitive wash and natural environment. Her question remains, how can one end of a wash be deemed sensitive and the other end be fine for development? This tract of land is an important habitat for wildlife and is also used as a walking path. This seems like a stellar opportunity for the City to be true to the visions stated in the new Community Plan approved by voters on March 11, 2014. Under the Environmental section of the Community Plan on page one of Section 5, some of the goals include, preserve and protect the natural environment, promote environmentally-responsible building and design. It is the responsibility of elected officials to represent the voice of the residents who approved this Community Plan. Please don't render this awesome vision meaningless.

*Having no additional requests to speak, the Vice Chair closed the public comment period.*

#### **Summary Discussion:**

- Question as to if this is going to be a gated community. Andy Dickey replied no.
- Question as to if the roads, when turned over to the City, will be accessible. Andy Dickey indicated yes.
- Question about a comment referring to handout of a participation plan and other comments. Cari explained that the last few pages of the packet are the citizens' comments received after the packets were distributed.
- Comment that this parcel is surrounded by similar zoning, so it is appropriate to have residential zoning of this density, but you also have to follow all of the rules and regulations in the Land Development Code that speak to sensitive areas and hillsides, so it all comes into play.
- Comment that there are a lot of ways to put the lots on the property and the Land Development Code suggests doing it in clusters, in the interest of producing unique environmentally-sensitive projects. The parcel is small enough that we would end up with a similar outcome, except for the fact that the envelopes would probably be smaller and the overall density would be the same, so that is where we are seeing problems with connectivity, ridgeline development and having buildings that go over the cliffs, but this is the path that was chosen, and it works for 80% or 90% of the project, but looking at the illustrations, the driveways to get to Lots 1 and 2 are like an airport parking garage that spirals, all of those coming with these major structures right next to each other.
- Comment that the other issue is with the existing easements crisscrossing across those lots, it is not as if it is unencumbered property; there are already easements there. This could all be combined, ease this situation, and put the first foot forward in creating a connection where the neighborhood obviously isn't saying don't build here; they are saying let us just find a way through, and you have an access easement to get through Lot 1 to get to Lot 2, so perhaps just make that a public way and have the ability to use one driveway to get to both Lots 1 and 2, and not have these parallel curves of driveways.
- Comment that it is great that you moved the cul-de-sac on the south end to the west, moving it away from the cliffs, but it isn't far enough to protect the most prominent part of this subdivision, the cliffs to the east of that cul-de-sac. The sensitive environmental things in the Land Development Code include ridgelines and prominent outcroppings, and in this case, you have both and it is directly above Brewer Road. The ridgeline to the west is

lower than houses in Les Springs, so that is not as big a deal, because you will always see those houses higher, but these houses at the end are flying so to speak, and they are rendered as being half or two-thirds the size of the cul-de-sac, which is 80 ft., so those houses are no more than about 2,000 sq. ft. and those houses are going to be going all over the hillside and over that rock, unless the envelopes are made smaller. The biggest deal is to create smaller envelopes that avoid the outcrops, especially on Lots 15 and 16.

- Comment that Lot 17 is its own beast. With the height of 18 ft. above the road, the roofs will be below the street once you get off of that hillside, so that really doesn't come into play.
- Comment that in the Land Development Code one of the provisions in Section 700.A, which says that among the objectives is to minimize the construction of building pads in hillside development areas, so the necessity to have 19 lots in this small area is questioned. When first looking at this map, the first question was if we still have 19 lots or if they have taken that to heart and cut it back, but there was no change in the number of lots. It seems that there is a solution, and it may not be the ideal solution from the developer's bottom line, but you could go to 18 lots, then if you took Lots 1 and 2 and combined them and sliced them, there is a high side and a low side, and what is being called the pathway kind of splits those two areas, so if the high sides of Lots 1 and 2 were combined, they would make a nice building lot, then you could have a pathway and gully, which could be treated as open space, a community benefit. The bottom line would be that it might reduce the overall profitability of this venture, because it would go to 18 lots, but it would solve the problems heard from the nearby communities and would be in line with the goal in the Land Development Code.
- Commissioner Jablow indicated that in the meeting last year, the public comments were all over the place, and today, all of those other oppositions are no longer an issue, it is only one. The community wants more walkability, and we have seen many other communities that, when they have a development adjacent to their property, they have all of the reasons to eliminate the project. They aren't asking for that; they want a path to walk and if that was worked on, there would be no opposition to the project, so the hope is that the applicant can keep that in mind and that it can be worked out.
- Comment that there are a handful of things to see addressed, there either is a legal easement issue or there isn't, and the Commission needs to know for sure. The applicant is encouraged to look at the possibility of working out something to dedicate the lower portion of Lots 1 and 2. Giving it to the City would solve the liability problem and make the neighbors happy, and we need to ensure it is in compliance with the Community Plan.
- Comment that the ridge is important to try to keep those homes down low in the trees.
- Suggestion that the HOA require that every home have a 70% sloping red tile roof or every home have a flat roof, because in the context of what is below, they have red roofs and it would tie it together visually. Looking across the valley, if you have all of these homes with something the same so they tie together, the whole subdivision would take on a nicer appearance. It makes a big difference.
- Comment that an HOA can write in any CC&R they want.
- Comment in agreement, but it is up to the developer to do that.
- Question as to if the CC&Rs are subject to City review. Cari explained that the City requires a copy, but we do not review them.
- Comment that the idea is presented as a suggestion.
- Question as to if the Commission will see the CC&Rs. Cari explained that they are a condition of the Final Plat.
- Comment that some way to link them together as a complex is the most important aspect of the development.

Vice Chair Hadley indicated that the applicant has heard everything, and hopefully, the applicant can address some of these issues.

**9. FUTURE MEETING DATES AND AGENDA ITEMS (10 minutes; 7:00 pm–7:10 pm)**

- a. **Thursday, May 29, 2014 3:30 pm (Work Session)**
- b. **Tuesday, June 3, 2014 5:30 pm (Public Hearing)**
- c. **Thursday, June 12, 2014 3:30 pm (Work Session)**
- d. **Tuesday, June 17, 2014 5:30 pm (Public Hearing)**

Cari Meyer indicated that on Thursday, May 29th, there will be the Conceptual Review for the Marriott with a site visit at about 2:00 p.m., and the building will be marked with story poles, etc. There currently isn't anything scheduled for June 3rd or June 12th. A couple of projects are expected within the next couple of weeks, but we won't take them through at the same time. They will be staggered, but there will be something at least once a month. Tuesday, June 3rd is canceled for now, but we need to talk with the Forest Service about having a presentation. On June 17th, we have the Arizona Safari Jeep Tours' CUP renewal, unless the Commission wants a work session. The consensus of the Commission was that a work session was not needed. Cari then added that they have had the CUP for 10 years and they are requesting a 10-year extension. There haven't been any problems.

Commissioner Currivan indicated that he would not be available on May 29th and Commissioner Brandt indicated that he would not be available on June 12th.

**10. EXECUTIVE SESSION**

**If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:**

- a. **To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. **Return to open session. Discussion/possible action on executive session items.**

*No Executive Session was held.*

**11. ADJOURNMENT**

Vice Chair Hadley called for adjournment at 7:37 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on May 20, 2014.

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Donna A. S. Puckett, *Administrative Assistant*

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Date